# COMMON COUNCIL CAL BRAND MEETING ROOM NOVEMBER 20, 2012

Mayor Kristen Brown called a regular meeting of the City Common Council to order at approximately 6:00 P.M. in the City Council Chambers.

### I. Meeting Called to Order

- A. Opening Prayer was given by Al White from First Christian Church.
- B. Pledge of Allegiance was led by Mayor Brown.
- C. Roll Call was taken. Dascal Bunch, Ryan Brand, Frank Jerome, Frank Miller, Tim Shuffett, Aaron Hankins and James Lienhoop were present.
- D. Dascal Bunch moved to accept the minutes from the November 7, 2012 City Council meeting. Tim Shuffett seconded the motion. Motion passed with a unanimous vote of seven (7) to zero (0).

## II. Unfinished Business Requiring Council Action

A. First Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_\_ AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO ADOPT CHAPTER 8.37 OF THE COLUMBUS CITY CODE, SMOKING REGULATIONS." Kelly Benjamin, City Attorney, presented this ordinance and discussed the amended wording from the first ordinance. She indicated the only changes are A and B, in which all of the exceptions within the state code now would be prohibited, except subsection eleven (11) which deals with people who have businesses in their own private homes. All policies would take effect immediately upon adoption, with the exception of the private clubs and any bars and taverns which would take effect July 1, 2013. Jim Lienhoop made a motion to amend the wording of the smoking ordinance and make the appropriate changes which have been outlined by Kelly Benjamin. Frank Jerome seconded the motion. Motion to amend ordinance passed by a vote of five (5) to two (2). Frank Miller and Aaron Hankins voted nay. Jim Lienhoop moved to pass the first reading and place in proper channels. Frank Jerome seconded the motion. Mayor Brown opened the meeting for public input. Dennis Allen, Autumn Ridge, expressed his opinion that the Council should not dictate a smoking policy to private businesses. Stephanie Spencer, waitress/bartender at Sports Bar and Grill, stated she feels her employer's business will suffer if the bar is forced to go smoke free and her wages will decrease. Bob Miller believes people should have a right to choose what businesses to patronize. An owner from Ziggies indicated the Council should leave the bars that allow smoking alone. Many of his breakfast and lunch crowd come to his establishment to relax and smoke. He feels he will lose at least \$400 a day in revenue. Debbie Cramer said her business was forced to go nonsmoking several years ago and the policy did not affect her business. She stated people will continue to patronize local businesses, because they enjoy the food and the service, and business will not suffer. Mark Wilcox, owner of Sports Bar and Grill, said visiting a smoking establishment should be a personal choice and he feels it will be a hardship on his

business if the ban is implemented. David Machino with Lighthouse Advisers indicated there are better alternatives to achieve this objective rather than an all-out ban, such as waivers. Tom Sonderman, Chief Medical Officer with Columbus Regional Hospital, indicated we have a duty to provide a safe place for people to work. He asked the Council to consider the health of the workers as it is of paramount importance. Mayor Brown indicated she does not get to vote on this issue; however, her position is that the state statute is a good compromise. Discussion followed. Ken Wessel spoke against the smoking ban. John Dunfee said this is America, the land of the free. He said more people are killed by drunk drivers every year than secondhand smoke. Eric Riddle, Home Ave., Certified Prevention Professional at Foundation for Youth, spoke on behalf of the comprehensive air ordinance as amended. Aaron Hankins stated there is a bigger threat to our community and our country, in which the politicians are trying to steal away our freedoms and our liberty. He feels this issue is about power and control, and passing this ordinance would be an assault on private property rights, and could cripple our economy. Frank Jerome said the grandfather issue was discussed and the restriction requests from both sides became very difficult. Dave Jones suggested just voting on the matter. Public comment was closed. Frank Miller discussed an effort to preserve freedom. He referred to the United States Constitution. He doesn't deny smoking is bad for your health, but it is a freedom of choice. He suggested if the ordinance is passed that all would patronize these establishments that would be affected by the ban. Vote was taken. Motion to pass the first reading and place in proper channels passed by a vote of five (5) to two (2). Roll call vote was as follows:

Dascal Bunch	Aye
Ryan Brand	Aye
Frank Jerome	Aye
Frank Miller	Nay
Tim Shuffett	Aye
Aaron Hankins	Nay
Jim Lienhoop	Aye

B. Second Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_\_\_, 2012, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, TO AMEND CHAPTER 2.04 OF THE COLUMBUS CITY CODE, COUNCILMANIC DISTRICTS."

Councilman Jim Lienhoop presented this ordinance and stated the proposed ordinance and redistricting map was given to Tami Hines, Bartholomew County Clerk, who has not had the opportunity to review the potential changes. Jim made a motion to table this ordinance until the next Council meeting to allow Tami a chance to look at proposed changes. Frank Jerome seconded the motion. Discussion followed. Motion passed to table this ordinance until December 4, 2012 with a unanimous vote of seven (7) to zero (0).

### **III. New Business Requiring Council Action**

A. First Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_\_\_\_, 2012, AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY." (Thomas & Teresa Woods Vacation). Jeff Bergman, Planning Director, presented this ordinance. Jeff indicated there is a shared driveway in the right-of-way with two (2) neighbors. Thomas and Teresa Woods asked to vacate the street in order to add the appropriate half of the right-of-way to their lot and to reconfigure their garage and driveway. Discussion followed. Teresa Woods indicated they would like to build a carport and it is necessary to vacate the right-of-way in order to accomplish this plan. Mel Hawkins spoke on behalf of his mother, Rose Hawkins. He stated they are in agreement with the vacation of right-of-way as long as it does not change access to the Hawkins driveway or garage. More discussion followed. Tim Shuffett made a motion

to pass the first reading and place in proper channels. Frank Miller seconded the motion. Motion passed by a vote of seven (7) to zero (0).

- B. First Reading of an Ordinance entitled "ORDINANCE NO. AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2012." (Riverboat Fund & Parks Common N/R Fund). Jeff Logston, Director of Operations and Finance presented this ordinance by indicating this additional appropriation is two (2) parts. The first is for public safety issues, which total \$371,053.00 from Riverboat fund for an upgrade of fourteen (14) tornado sirens, a paint truck, eleven (11) police car radios, and a fire SCBA fill station. Luann Welmer, Clerk Treasurer, indicated the second part of the additional appropriation is for the Commons Non-Reverting Fund. She explained this is the first full year for operation of the Commons. The request is for \$81,000.00 and the majority of this expense will be reimbursed with revenue not yet received. She stated the Parks Board has approved the additional appropriation. Discussion followed. No comments from the public. Frank Jerome made a motion to pass the first reading and place in proper channels. Frank Miller seconded the motion. Motion passed by a vote of six (6) to one (1). Aaron Hankins voted nay.
- C. First Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_, 2012, AMENDED FROM ORDINANCE NO. 33, 2012 (ORIGINAL ORDINANCE NO. 24, 2011) 2012 SALARY ORDINANCE."

  Jeff Logston presented this ordinance and explained the request is for two (2) changes within the Fire Department overtime budget. The first is for scheduled overtime with a proposed increase of \$50,000.00 and secondly unscheduled overtime for an increase of \$25,000.00. Jeff stated the Fire Department has participated in additional training this year which was not scheduled when the budget was created last year. This ordinance will increase the maximum expenditure caps for the two line items only and funding will come from other areas of the Fire Department budget. No additional money is being requested. Discussion followed. Frank Jerome moved to pass the first reading and place in proper channels. Ryan Brand seconded the motion. Motion passed by a vote of six (6) to one (1). Aaron Hankins voted nay.
- D. Reading of a Resolution entitled "RESOLUTION NO. RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS TO DESIGNATE SPECIFIC CAPITAL IMPROVEMENT PROJECTS AS THE 2013 CAPITAL BUDGET." Jeff Logston presented this resolution and discussed an attachment entitled Exhibit "A", which is a listing of 2013 capital projects and cost estimates. He stated there is also a miscellaneous line of \$75,000.00 for small capital expenditures less than \$5,000.00. Jeff indicated lists of items are included in Exhibit "A" that would require an additional appropriation by the Council in the future. Discussion followed. Jim Lienhoop asked if there was a pressing need to approve this resolution now. He indicated the total sum of capital items is approximately seven and a half million dollars and he would like to look at the list a little closer. Mayor Brown stated there have been immaterial changes to the capital plan that has been discussed since the budget hearings in July. She questioned the concern of the Council. Jim stated he wants to understand the process and extra time to review the resolution would be helpful. Mayor stated she felt this was a bit ironic coming from someone who sat on the Redevelopment Commission last year and funneled millions of dollars through a private entity for which nobody could see how it was spent except a handful of people. Jim stated the Mayor's comment was way out of line. Mayor said she didn't understand what was wrong with this process. Jim Lienhoop moved to table the resolution. Frank Miller said it is part of the Council's checks and balances to review all documents in depth and would like to examine it further. More

discussion followed. Tim Shuffett seconded the motion to table the resolution until the next Council meeting. Motion to table the resolution passed with a unanimous vote of seven (7) to zero (0).

E. First Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_\_\_, 2012, AN ORDINANCE AMENDING THE DESIGNATION POLICY FOR TRANSFERS BETWEEN CERTAIN FUNDS."

Luann Welmer indicated an amendment of Ordinance No. 1, 2005 would include the addition of Columbus Technology and Redevelopment Departments to transfer year end balances from Insurance Benefits to Insurance Non-Reverting. Another addition to this ordinance is the authorization to move any excess premiums paid by police and fire retirees to the Insurance Non-Reverting fund. Tim Shuffett made a motion to pass the first reading and place in proper channels. Frank Miller seconded the motion. Motion passed by a vote of six (6) to one (1). Aaron Hankins voted nay.

### **IV. Other Business**

- A. Standing Committee and Liaison Reports
- B. Discussion Items:

Utilities Budget – Keith Reeves, Director of Utilities, discussed the 2013 Utility Service Board Budget. He explained statute requires the budget be presented to Council as a nonvoting item in November and the actual Resolution be placed on the December 4, 2012 Agenda for Council approval.

Ethics Ordinance – Kelly Benjamin, City Attorney, presented a brief overview of an ethics ordinance draft.

- C. Next regular meeting is scheduled for Tuesday, **December 4**, **2012 at 6:00 o'clock P.M. in the Cal-Brand Meeting Room in City Hall.**
- D. Dascal Bunch made a motion to adjourn the meeting. Aaron Hankins seconded the motion. Motion passed with a unanimous vote of seven (7) to zero (0). Meeting adjourned at 8:56 p.m.